UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,841	02/11/2004	Patrick J. Helland	MS306777.01/MSFTP564US	3027

27195   7590   03/06/2009
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EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2454	

NOTIFICATION DATE	DELIVERY MODE
03/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/776,841	HELLAND ET AL.
	Examiner	Art Unit
	MOHAMMAD A. SIDDIQI	2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 February 2004</u>.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>11 February 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>06/01/2004</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-30 are presented for the examination.

Claim Rejections - 35 USC § 101

2.   Claims 1-16 , 28, and 30 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter, and is software per se

(specification, page 20, lines 5-13) . The system is not a process, a machine, a

manufacture or a composition of matter.

In contrast, a claimed computer-readable storage medium encoded with

instruction for processing is a computer element with defined structural and functional

interrelationships. The structural and functional interrelationship allows the claim to be

classified as a machine, the functionality realized and thus statutory. Accordingly,

appropriate correction or amendment is required.

3.   Claims 17-27 are rejected under 35 U.S.C. 101 as not falling within one of the

four statutory categories of invention. While the claims recite a series of steps or acts to

be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular

machine, or (2) transform underlying subject matter (such as an article or material) to a

different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant

claims are neither positively tied to a particular machine that accomplishes the claimed

method steps nor transform underlying subject matter, and therefore do not qualify as a

statutory process.   The method including steps of requesting one or more message,

locking conversation group and providing serial access are broad enough that the claim

could be completely performed mentally, verbally or without a machine nor is any

transformation apparent. A method claim to be statutory the claim must be tied to a

particular machine in a significant manner or have a significant transformation of an

article to a different state or thing. A particular machine is a machine that is not every

machine and an example of an insignificant tie would be adding a computer display to a

manual process.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maurille et al. (6,484,196) (Hereinafter Maurille) in view of Wiser et al. (6,988,099).

6.   As per claims 1 and 22, Maurille discloses a system and method that facilitates

message processing, comprising: an input component that receives a request to

process a message (100, fig 1, col 6, lines 44-57); and

a group management component that associates the message with related messages (col 6, lines 44-57). Maurille discloses message locking (142, fig 3b, col 2, lines 66-67, locking is known in DBMS systems, locks are generally shared or exclusive. Exclusive locks mean that no other lock can acquire the current data object as long as the exclusive lock lasts.) but fails to disclose the details of the exclusive locking. Wiser discloses automatically locks the message and the related messages via a conversation group identifier (object, 404, fig 4, col 3, lines 59-60), the lock provides a request initiator exclusive access to the locked messages for processing (object, 404, fig 4, col 3, lines 59-60; col 4, lines 16-29). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wiser and Maurille. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

7.   As per claims 12 and 26, Maurille discloses a system and method that facilitates access to application data, comprising: a component that associates an application with a conversation group identifier (100, fig 1, col 6, lines 44-57). Maurille discloses message locking (142, fig 3b, col 2, lines 66-67, locking is known in DBMS systems, locks are generally shared or exclusive. Exclusive locks mean that no other lock can acquire the current data object as long as the exclusive lock lasts.) but fails to disclose the details of the exclusive locking. Wiser discloses a conversation management

component that locks the application (object, 404, fig 4, col 3, lines 59-60) and

associated application data via the conversation group identifier when the application is

invoked, the lock provides exclusive access to the application data (object, 404, fig 4,

col 3, lines 59-60; col 4, lines 16-29). It would have been obvious to one of ordinary skill

in the art at the time of the invention was made to combine the teachings of Wiser and

Maurille. All the claimed elements were known in the prior art and one skilled in the art

could have combined the elements as claimed by known methods with no change in

their respective functions and the combination would have yielded predictable results to

one of ordinary skill in the art at the time of the invention.

8.   As per claims 2, 13, 23, and 27, claims are rejected for the same reasons as

claims 1 and 12, above. In addition, Maurille discloses the request includes at least one

of a message identifier and a conversation group identifier (142, fig 3B, col 6, lines 44-

57).

9.   As per claims 3 and 24, claims are rejected for the same reasons as claim 1,

above. In addition, Maurille discloses the message identifier is utilized to associate the

requested message with the related messages and form a conversation group (142, fig

3B, col 6, lines 44-57).

10.   As per claim 4, the claim is rejected for the same reasons as claim 1, above. In

addition, Maurille discloses the conversation group identifier determines the message's

conversation group (142, fig 3B, col 6, lines 44-57).

11.   As per claim 5, the claim is rejected for the same reasons as claim 1, above. In

addition, Maurille discloses the requested message and the related messages are

stored in-order in a message queue (message rec1- message rec4, 142, fig 3B, col 6,

lines 44-57).

12.   As per claim 6, the claim is rejected for the same reasons as claim 1, above. In

addition, Maurille discloses in-order storage is ensured by at least one of storing

messages received (142, fig 3B, lines 44-57) out-of-order in temporary storage until

they become in-order and dropping messages received out-of-order (col 11, line 65- col

12 line 23).

13.   As per claims 7 and 15, claims are rejected for the same reasons as claims 1

and 12, above. In addition, Maurille discloses the requested message and the related

messages within a conversation group are serially processed from a message queue

(message rec1- message rec4, 142, fig 3A-3B, col 6, lines 44-57).

14.   As per claims 8 and 25, claim are rejected for the same reasons as claim 1,

above. In addition, Maurille discloses an incoming related message is stored,

dynamically associated with the conversation group identifier (142, fig 3B, col 6, lines

44-57), and made available to the request initiator for processing (col 11, lines 5-39).

15.   As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Maurille discloses the requested message and the related messages are associated with a plurality of related dialogs (col 6, lines 44-57; col 11, lines 5-39).

16.   As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Maurille discloses the requested message and the related messages are concurrently queued and dequeued (col 11, line 50- col 12 line 30).

17.   As per claim 11, the claim is rejected for the same reasons as claim 1, above. In addition, Wiser discloses the lock prevents another message processor from processing the related messages (exclusive lock, col 3, lines 59-60).

18.   As per claim 14, the claim is rejected for the same reasons as claim 12, above. In addition, Wiser discloses the other application and associated application data are locked concurrently with the invoked application (exclusive lock, col 3, lines 59-60).

19.   As per claim 16, the claim is rejected for the same reasons as claim 1, above. In addition, Maurille discloses subsequently stored application data is dynamically associated with the conversation group identifier and available for processing (142, fig

3B, col 6, lines 44-57).

20.   As per claim 17, Maurille discloses a method that facilitates message processing,

comprising: requesting one or more messages (100, fig 1, col 6, lines 44-57). Maurille

discloses message locking (142, fig 3b, col 2, lines 66-67, locking is known in DBMS

systems, locks are generally shared or exclusive. Exclusive locks mean that no other

lock can acquire the current data object as long as the exclusive lock lasts.) but fails to

disclose the details of the exclusive locking. Wiser discloses locking a conversation

group that comprises at least the one or more messages (object, 404, fig 4, col 3, lines

59-60), the lock prevents a disparate requestor from accessing the messages; and

providing exclusive serial access to the messages (object, 404, fig 4, col 3, lines 59-60;

col 4, lines 16-29). It would have been obvious to one of ordinary skill in the art at the

time of the invention was made to combine the teachings of Wiser and Maurille. All the

claimed elements were known in the prior art and one skilled in the art could have

combined the elements as claimed by known methods with no change in their

respective functions and the combination would have yielded predictable results to one

of ordinary skill in the art at the time of the invention.

21.   As per claim 18, the claim is rejected for the same reasons as claim 17, above. In

addition, Maurille discloses associating related messages with the conversation group

(142, fig 3B, col 6, lines 44-57).

22.   As per claim 19, the claim is rejected for the same reasons as claim 17, above. In

addition, Maurille discloses automatically updating the conversation group with incoming

related messages (col 6, lines 44-57; col 12, line 3-6).

23.   As per claim 20, the claim is rejected for the same reasons as claim 17, above. In

addition, Maurille discloses utilizing a conversation group identifier to lock the

conversation group (142, fig 3B, col 2, lines 66-67).

24.   As per claim 21, the claim is rejected for the same reasons as claim 7, above.

25.   As per claim 28, the claim is rejected for the same reasons as claim 1, above.

26.   As per claim 29, the claim is rejected for the same reasons as claim 1, above.

27.   As per claim 30, the claim is rejected for the same reasons as claim 1, above.

Conclusion

28.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

        U.S. Patent 7,089,278

U.S. Patent 7,321,969

U.S. Patent 6,026,401

U.S. Patent 6,772,153

29.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454